

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

**JOEY LEE BAILEY,**  
Petitioner,

v.

**5:21-cv-1409-CLM-GMB**

**SHERIFF MATT GENTRY, et al.,**  
Respondents.

**MEMORANDUM OPINION**

The magistrate judge entered a report (doc. 11), recommending that the court deny petitioner's motions for evidentiary hearing (docs. 9 & 10) and dismiss this petition for writ of habeas corpus without prejudice. The court hasn't received any objections.


After considering the record and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation the court will **DENY** the motions for evidentiary hearing (docs. 9 & 10) and **DISMISS WITHOUT PREJUDICE** the petition for writ of habeas corpus.

The court will enter a separate, final judgment.

This court must issue or deny a certificate of appealability when it enters a final order adverse to the petitioner. The court may issue a certificate of appealability "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, a "petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that "the issues presented were adequate to deserve encouragement to proceed further," *Miller v. Cockrell*, 537 U.S. 322, 336 (2003) (internal

quotations omitted). The court finds the petitioner's claims do not satisfy either standard. So the court won't issue a certificate of appealability.

**Done** on May 26, 2022.

  
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**COREY L. MAZE**  
UNITED STATES DISTRICT JUDGE